CONGRESSIONAL RECORD—HOUSE

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HONG KONG, MACAU, SHENZHEN AND BEIJING, CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 13 AND DEC. 20, 1997

Name of Member or employee	Date			Per diem 1		Transportation		Other purposes		Total	
	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency ²						
Hon. Doug Bereuter	12/13	12/17	Hong Kong, Macau		1,472.00						1,472.00
v	12/17	12/20	China		671.00						671.00
Hon. Alcee Hastings	12/13	12/17	Hong Kong, Macau		1,422.00						1,422.00
· ·	12/17	12/20	China		621.00						621.00
Hon. Donald Manzullo	12/13	12/17	Hong Kong, Macau		1,052.00						1,052.00
	12/17	12/20	China		362.00						362.00
Gardner Peckham	12/13	12/17	Hong Kong, Macau		1,477.00						1,477.00
	12/17	12/20	China		676.00						676.00
Richard Kessler	12/13	12/17	Hong Kong, Macau		1,477.00						1,477.00
	12/17	12/20	China		676.00						676.00
Daniel Martz	12/13	12/17	Hong Kong, Macau		1,492.00						1,492.00
	12/17	12/20	China		691.00						691.00
Total					12,089.00						12,089.00

DOUGLAS BEREUTER, Chairman, Feb. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SPAIN AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND OCT 6, 1997

Name of Member or employee	Date			Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Judith Wolverton	10/2 10/4	10/4 10/6	SpainItaly		350.00 650.00						350.00 650.00
Committee total					1,000.00						1,000.00

¹ Per diem constitutes lodging and meals.

HIDITH WOLVERTON Oct 8 1997

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 14 AND DEC. 17, 1997

Name of Member or employee	Date			Per diem 1		Transportation		Other purposes		Total	
	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency ²						
Mac Collins	12/14	12/17	Germany ³		400.00		4,966.80				5,366.80
Committee total					400.00		4,966.80				5,366.80

¹ Per diem constitutes lodging and meals

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ASIA PACIFIC PARLIAMENTARY FORUM, SEOUL, KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN

MAC COLLINS.

Name of Member or employee		Date	Country	Per diem 1		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²						
Robert Van Wicklin	1/6	1/10	Korea	1,545,840	912.00		4,180.00			1,545,840	5,092.00
Committee total			•		912.00		4 180 00				5.092.00

JAN. 5 AND JAN. 10, 1998

ROBERT VAN WICKLIN, Feb. 10, 1998.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS

U.S. CONGRESS, OFFICE OF COMPLIANCE, Washington, DC, February 9, 1998.

Hon. NEWT GINGRICH,

Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995, 2 U.S.C. §1383, I am transmitting the enclosed Notice of Adoption of Amendments (amending procedural rules previously adopted) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notices be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,

RICKY SILBERMAN Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

NOTICE OF ADOPTION OF AMENDMENTS

Summary: The Executive Director of the Office of Compliance ("Office"), with the approval of the Board of Directors ("Board"), having considered comments received in response to the Notice of Proposed Rulemaking ("NPRM") published on October 1, 1997, 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997), has amended the Procedural Rules of the Office of Compliance to cover the Gen-

eral Accounting Office ("GAO") and the Library of Congress ("Library") and their employees under the rules governing: (1) proceedings involving Occupational Safety and Health inspections, citations, and variances under section 215 of the Congressional Accountability Act of 1995 ("CAA"), and (2) ex parte communications.

The NPRM also proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of processing allegations of violation of sections 204-206 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), and the Uniformed Services

¹Per diem constitutes lodging and meals. ²If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. 3 Includes day trip to Bosnia.

¹Per diem constitutes lodging and meals. ²If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Employment and Reemployment Rights Act of 1994 ("USERRA"), and of section 207 of the CAA, which prohibits employing offices from intimidating or taking reprisal against covered employees for exercising rights under the CAA. However, by a recently published Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), the Office is requesting further comment on whether the Procedural Rules should be extended to cover GAO and the Library with respect to alleged violations of sections 204–207, and no final action will be taken on this question until the comments have been received and considered.

Availability of comments for public review: Copies of comments received by the Office in response to the NPRM are available for public review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104-1, 2 U.S.C. §§ 1301-1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly includes GAO and the Library and their employees within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act: (a) section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"); (b) section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"); (c) section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"); and (d) section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These four sections go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The study was transmitted to Congress on December 30, 1996, and sections 204-206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The purpose of the NPRM was to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved. To accomplish this, the NPRM proposed to cover GAO and the Library and their employees in four respects: (1) Sections 401-408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204-206, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of sections 204-206. (2) Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207. (3) Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of proceedings involving section 215. (4) Section 9.04 of the Procedural Rules governs ex parte communications, and the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

In the only comment received in response to the NPRM, the library argued that "Congress expressly excluded the Library and other instrumentalities of Congress from the application of Titles I. III. IV and V of the which include the administrative and judicial procedures established in sections 401-408. (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) As to whether GAO and the Library and their employees are covered by the procedures mandated by sections 401-408 when a violation of sections 204-207 is alleged, the Library's comments raise issues of statutory construction upon which the Office seeks further comment. To solicit such comments, the Office recently published a Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998). and will make no decision as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of resolving allegations of violations of sections 204-207 until after the comments are received and considered.

The issues of statutory construction raised by the Library's comments are not pertinent, however, to proceedings under section 215 and to rules regarding ex parte communications. The procedures under section 215 expressly cover GAO and the Library and their employees because section 215(a)(2)(C)-(D) explicitly includes these instrumentalities and employees within the definitions of 'employing office'' and "covered employee" for purposes of applying the OSHAct "under this section [215]." As to *ex parte* communications, section 9.04 of the Procedural Rules includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a proceeding or rulemaking." The CAA explicitly authorizes GAO and the Library and their employees to be involved in proceedings under section 215(c), as described above, and the Library itself has exercised its right to be involved in the Office's rulemaking proceedings.

The Library further notes that the substantive regulations adopted by the Board to implement section 215 have not yet been approved by the House and Senate pursuant to section 304 of the CAA and argues: "Since all OSHA regulations must follow the procedures for adopting substantive rules under section 304 of the Act, including approval by Congress, it would seem more appropriate to delete the reference to the coverage of the Library for purposes of section 215 of the CAA, in order to avoid confusion over the effect of possible Congressional approval of these proposed rules but not the underlying provisions applying to OSHA procedures. However, the Library's assumption that "all OSHA regulations," including provisions of the Procedural Rules describing the Office's procedures under section 215, are subject to Congressional approval is incorrect. Congressional approval under section 304 is required only for the regulations adopted by the Board under section 215(d) of the CAA, which must generally be the same as the substantive regulations promulgated by the Secretary of Labor to implement section 5 of the

OSHAct. The Board adopted such regulations for employing offices other than GAO and the Library and submitted the regulations to Congress for approval under section 304, see 143 Cong. Rec. S61 (daily ed. Jan. 7, 1997), and recently amended those regulations to cover GAO and the Library and submitted the amendments to Congress for approval, see 143 Cong. Rec. S11663 (daily ed. Nov. 4, 1997). However, the Procedural Rules, including provisions describing the Office's procedures under section 215 of the CAA, were adopted under section 303 of the CAA, which authorizes the Executive Director, subject to the approval of the Board, to adopt rules governing the procedures of the Office. See 143 Cong. Rec. H1879, H1879-90 (daily ed. Apr. 24, 1997). The amendments in this Notice are likewise adopted under section 303, so the Library's expressed concern is unfounded.

Finally, although no comments were received regarding the specific language of the proposed amendments to the rules, the final adopted rules differ slightly from the text of the proposed amendments. The preamble to the NPRM explained that the purpose of the rulemaking was to cover GAO and the Library and their employees "for purposes of any proceedings in which GAO and the Library or their employees may be involved as employing offices or covered employees, and, with respect to section 215, the preamble stated that GAO and the Library would be covered "for the purposes of proceedings involving section[] . . . 215 of the 143 Cong. Rec. S10291, S10292 col. 1 (daily ed. Oct. 1, 1997). However, the proposed rules in the NPRM described specific kinds of proceedings under section 215, i.e., enforcement of inspection and citation provisions of the CAA and the granting of variances, and stated that GAO and the Library would be covered for purposes of those specific proceedings. Id. at S10292 col. 2. To avoid any confusion, the final rules have been simplified and revised to make clear that they cover GAO and the Library for purposes of "[a]ny proceeding under section 215.'' Section 102(q)(1) of the Procedural Rules, as amended by this Notice.

Signed at Washington, D.C., on this 9th day of February, 1998.

RICKY SILBERMAN, Executive Director,

Office of Compliance.
The Executive Director of the Office of Compliance hereby amends section 1.02 of the Procedural Rules of the Office of Compliance by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

§ 1.02 Definitions.

''Except as otherwise specifically provided in these rules, for purposes of this Part:

"(b) Covered employee. The term 'covered employee' means any employee of

"(1) the House of Representatives;

"(2) the Senate;

"(3) the Capitol Guide Service;

"(4) the Capitol Police;

"(5) the Congressional Budget Office;

"(6) the Office of the Architect of the Capitol;

"(7) the Office of the Attending Physician;

"(8) the Office of Compliance; or

"(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

"(h) *Employing Office*. The term 'employing office' means:

"(1) the personal office of a Member of the House of Representatives or a Senator;

"(2) a committee of the House of Representatives or the Senate or a joint committee;

"(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate:

"(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

"(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) Coverage of the General Accounting Office and the Library of Congress and their Employees. The term 'employing office' shall include the General Accounting Office and the Library of Congress, and the term 'covered employee' shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

"(1) Any proceeding under section 215 of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

 $\lq\lq(2)$ Any proceeding or rulemaking, for purposes of section 9.04 of these rules. $\lq\lq$

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7268. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Peanuts Marketed in the United States; Relaxation of Handling Regulations [Docket Nos. FV97-997-1 IFR] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7269. A letter from the Federal Register Liaison Officer, Bureau of Land Management, transmitting the Bureau's final rule—Federal Timber Contract Payment Modification [WO-330-1030-02-24 1A] (RIN: 1004-AC69) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7270. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Distribution of Risk Disclosure Statements By Futures Commission Merchants and Introducing Brokers [17 CFR Parts 1, 30, 33, and 190] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7271. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Bifenthrin; Pesticide Tolerance; Correction of Effective Date Under Congressional Review Act (CRA) [FRL-5959-6] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7272. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiodicarb; Pesticides Tolerance [OPP-300541; FRL-5739-7] (RIN: 2070-AB78) received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7273. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [PP 5F4485/R2232; FRL-5364-3] (RIN: 2070-AB78) received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7274. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmiting the Agency's final rule—Bensulfuron Methyl (methyl-2[[[[(4,6-dimethoxy-pyrimidin-2-yl) amino] carbonyl] amino] sulfonyl] methyl] Benzoate; Pesticide Tolerance [OPP-300603; FRL-5766-4] (RIN: 2070-AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7275. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmiting the Agency's final rule—Kaolin; Exemption from the Requirement of a Tolerance [OPP–300614; FRL–5769–9] (RIN: 2070–AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7276. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Revocation of Certain Tolerances [OPP-300540A; FRL-5769-2] (RIN: 2070-AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7277. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Benoxacor; Pesticide Tolerances [OPP-300617; FRL-5771-1] (RIN: 2070-AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7278. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmiting the Agency's final rule—Lambdacyhalothrin; Pesticide Tolerances [OPP-300608; FRL-5767-7] (RIN: 2070-AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7279. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Flammability Labeling Requirements for Total Release Fogger Pesticides [OPP-36189; FRL-5748-7] (RIN: 2070-AC60) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7280. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Norflurazon; Extension of Tolerance for Emergency Exemptions [OPP-300615; FRL-5770-8] (RIN: 2070-AB78) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7281. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiabendazole; Pesticide Tolerances for Emergency Exemptions [OPP-300607; FRL-5767-6] (RIN: 2070-AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture

Agriculture. 7282. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Special Combinations for Tobacco Allotments and Quotas (RIN: 0560-AE13) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7283. A communication from the President of the United States, transmitting his re-

quests for emergency and nonemergency FY 1998 appropriations for the Departments of Agriculture, Energy, the Interior, and the Treasury; the National Aeronautics and Space Administration; and, the National Transportation Safety Board, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—216); to the Committee on Appropriations and ordered to be printed.

7284. A communication from the President of the United States, transmitting a report of 24 proposed rescissions of budgetary resources, totaling \$20 million, pursuant to 2 U.S.C. 683(a)(1); (H. Doc. No. 105—215); to the Committee on Appropriations and ordered to

be printed.

7285. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during FY 1997, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

7286. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the fiscal year 1997 annual report on operations of the National Defense Stockpile, pursuant to 50 U.S.C. 98h—5; to the Committee on National Security.

7287. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Costs [DFARS Case 97-D313] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7288. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a plan or directive that sets forth the specific procedures for the conduct of competitions among private and public sector entities for such depot-level maintenance and repair workloads, pursuant to Public Law 105—85, section 359(b); to the Committee on National Security.

7289. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report identifying the percentage of funds that were expanded during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to Public Law 105—85, section 358; to the Committee on National Security.

7290. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report describing the proposed allocation of certain depot-level maintenance and repair workloads that were performed at the closed or realigned installations as of July 1, 1995, pursuant to Public Law 105—85, section 359(b) and (c); to the Committee on National Security.

7291. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Technical Assistance for Public Participation in Defense Environmental Restoration Activities (RIN: 0790–AG14) received February 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7292. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize military construction and related activities of the Department of Defense, pursuant to 31 U.S.C. 1110; to the Committee on National Security.

7293. A communication from the President of the United States, transmitting the annual certification of the nuclear weapons stockpile by the Secretaries of Defense and Energy and accompanying report; to the Committee on National Security.

7294. A letter from the Secretary of Defense, transmitting a progress update report on the event-based decision making for the